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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: MUKAI=1

In re Application of:

Hiroyuki MUKAI

Appln. No.: 09/935,338

Filed: August 23, 2001

For: METHOD FOR AMPLIFYING

NUCLEIC ACID SEQUENCE

NUCLEIC ACID SEQUENCE

Confirmation No.: 8157

Art Unit: 1637

Dexaminer: Jeffrey SIEW

Mashington, D.C.

## INFORMATION DISCLOSURE STATEMENT [IDS]

Customer Window Honorable Commissioner for Patents U.S. Patent and Trademark Office 2011 South Clark Place Crystal Plaza Two, Lobby, Room 1B03 Arlington, Virginia 22202

## Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with  $37\ \text{CFR}\ \$1.97$ , as it is filed:

## (Check one of the boxes A-D)

[ ] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

- [ ] B. before the mailing date of a first Office action on the merits or before the mailing of a first Office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.
- [X] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).
  - [X] i. Counsel certifies that, upon information and belief, each item of information listed herein was either
    - [X] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
    - [ ] (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in \$1.56(c) more than three months prior to the filing of this IDS.
- 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., Form PTO/SB/08A) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached.

- 3. Document  $\overline{\rm AI}$  is not in the English language. In accordance with \$1.98(c), Applicant states:
  - [X] An English translation of each document AI (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.
  - [] A concise explanation of the relevance of document(s) \_\_\_\_\_ is found in the attached \_\_\_\_\_ search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).
  - [ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows:

(insert concise explanation of relevance)

- [] A concise explanation of the relevance of document(s) \_\_\_\_ can be found on page(s) \_ of the specification.
- [ ] A concise explanation of document(s) \_\_\_\_\_ can be found on the attached sheet.
- 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).
- 5. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date

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of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

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PTO/SB/08a (08-03)

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Substitute f	or form 1449A/PTO			Complete if Known		
	RMATION D	ISC	LOSURE	Application Number	09/935,338	
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STATEMENT BY APPLICANT				First Named Inventor	Hiroyuki MUKAI	
				Group Art Unit	1637	
(use as many sheets as necessary)				Examiner Name	Jeffrey SIEW	
Sheet	1	of	2	Attorney Docket Number	MUKAI=1	

			U.S. PAT	ENT DOCUMENTS	
Examiner nitials*	Cite No.1	Document Number Number-Kind Code <sup>2 (if known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Number Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> ( <i>if known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>		
	Al	JP 05/308963 A	11-22-1993	TANPAKU KOGAKU KENKYUSHO KK		ABS		

Examiner	Date	
Signature	 Considered	

<sup>\*</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language Translation is attached.

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STATEMENT BY APPLICANT				Filing Date	August 23, 2001	
STATEMENT BY APPLICANT			PLICANI	First Named Inventor	Hiroyuki MUKAI	
				Group Art Unit	1637	
(use as many sheets as necessary)			ecessary)	Examiner Name	Jeffrey SIEW	
Sheet	2	of	2	Attorney Docket Number	MUKAI=1	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>			
	AJ	BURROWS, et al., "Purification and properties of DNA polymerase from Bacillus caldotenax", Biochem Journal. November 1, 1992. Vol. 287 (Pt 3), 971-977.				
	AK	ITAYA, M., "Isolation and characterization of a second RNase H (RNase HII) of Escherichia coli K-12 encoded by the rnhB gene", Proc. Natl. Acad. Sci. November 1990, Vol. 87, 8587-8591.				
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Examiner	Date	
Signature	Considered	

<sup>\*</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.